

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

NATIONAL GRAPHICS, INC.,

Plaintiff

Case No. 12-CV-1119

v.

BRAX LTD., DYNAMIC DRINKWARE LLC,
CAPITOL CUPS, INC. and SERVICE LITHO-
PRINT, INC.

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION TO STRIKE AND
GRANTING LEAVE TO FILE A SUR-REPLY**

Plaintiff National Graphics, Inc. has filed a motion to strike portions of Defendants' Reply in Support of the Motion for Partial Summary Judgment (ECF No. 64) or, alternatively, requests leave to file a sur-reply to address arguments and evidence Plaintiffs contend was not contained in Defendants' motion for partial summary judgment. In response, Defendants Brax Ltd., Dynamic Drinkware, LLC, and Service Litho-Print, Inc., argue that their reply presents only additional support for arguments in its motion for summary judgment and does not present new arguments or issues. However, Defendants do not object to allowing Plaintiff to file a sur-reply to address what Plaintiff considers new arguments or issues as they will be part of Defendants' opposition to Plaintiff's cross-motion for summary judgment in any event.

Rather than prematurely delve into the merits of this matter, I conclude that in the interest of allowing all parties a full opportunity to make their arguments, Plaintiff's motion to strike will be denied and its request to file a sur-reply will be granted. I pause to note, however, that Plaintiff

should have attached a copy of its proposed sur-reply to its motion in order to comply with Local Rule 7(i): “Any paper, including any motion, memorandum, or brief, not authorized by the Federal Rules of Civil Procedure, these Local Rules, or a Court order must be filed as an attachment to a motion requesting leave to file it.” Plaintiff is therefore directed to file its sur-reply within five days of the date of this order.

SO ORDERED, this 4th day of December, 2013.

BY THE COURT:

s/ William C. Griesbach
William C. Griesbach, Chief Judge
U.S. District Court